

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

HOWARD K. STERN,

Plaintiff,

vs.

RITA COSBY and
HACHETTE BOOK GROUP USA, INC., d/b/a
Grand Central Publishing, and
JOHN or JANE DOE,

Defendants.

**PLAINTIFF
HOWARD K. STERN'S
RULE 26(a)
INITIAL DISCLOSURES**

Case No. 1:07-CIV-8536-DC

Plaintiff Howard K. Stern ("Stern") hereby submits his Initial Disclosures, in accordance with Federal Rule of Civil Procedure 26(a)(1):

(A) The name and, if known, the address and telephone number of each individual likely to have discoverable information that the disclosing party may use to support its claims or defenses, unless solely for impeachment, identifying the subjects of the information.

Stern is currently aware of the following individuals who are likely to have discoverable information relevant to disputed facts alleged with particularity in the pleadings:

(1) Plaintiff Howard K. Stern

Address: Can be contacted through counsel.
Telephone: Can be contacted through counsel.
Subject: The falsity of statements published by Defendants; facts establishing actual malice; and damages.

(2) Defendant Rita Cosby

Address: Can be contacted through counsel.
Telephone: Can be contacted through counsel.
Subject: The falsity of statements published by Defendants; facts establishing actual malice; damages; Cosby's attempts to influence witnesses.

(3) **Defendant Hachette Book Group USA, Inc. and Its Representatives.**

Address: Can be contacted through counsel.
Telephone: Can be contacted through counsel.
Subject: The falsity of statements published by Defendants; facts establishing actual malice; Cosby's attempts to influence witnesses.

(4) **Nadine Alexie**

Address: To be determined and provided.
Telephone: To be determined and provided.
Subject: The falsity of statements published by Defendants; facts establishing actual malice; Cosby's attempts to influence witnesses.

(5) **Quethlie Alexis**

Address: To be determined and provided.
Telephone: To be determined and provided.
Subject: The falsity of statements published by Defendants; facts establishing actual malice; Cosby's attempts to influence witnesses.

(6) **Virgie Arthur**

Address: Withheld at this time for privacy reasons.
Telephone: Unknown.
Subject: The falsity of statements published by Defendants; facts establishing actual malice; her relationship with Anna Nicole Smith ("Ms. Smith"), Daniel Smith, Defendant Cosby and John O'Quinn and his employees.

(7) **Pol Atteau**

Address: To be determined and provided.
Telephone: Withheld at this time for privacy reasons.
Subject: The relationship between Ms. Smith and Mr. Stern.

- (8) **Attorney Consulted by Defendant Cosby (identity to be provided by Defendants).**

Address: To be provided by Defendants.
Telephone: To be provided by Defendants.
Subject: Facts establishing actual malice; Cosby's attempts to influence witnesses.

- (9) **Bahamian "employee confidante" identified on page 79 of *Blonde Ambition* (identity to be provided by Defendants).**

Address: To be provided by Defendants.
Telephone: To be provided by Defendants.
Subject: The falsity of statements published by Defendants; facts establishing actual malice.

- (10) **Lincoln Bain**

Address: To be determined and provided.
Telephone: To be determined and provided.
Subject: The falsity of statements published by Defendants; facts establishing actual malice; attempts to influence witnesses.

- (11) **J.J. Barrett**

Address: To be provided.
Telephone: Withheld at this time for privacy reasons.
Subject: The relationship between Ms. Smith and Mr. Stern.

- (12) **Dr. Michael Bayerl**

Address: Hershey, Pennsylvania.
Telephone: To be determined and provided.
Subject: The investigation into the death of Ms. Smith.

- (13) **Tom Bednarek**

Address: To be provided by Defendants.
Telephone: To be provided by Defendants.
Subject: The falsity of statements published by Defendants; facts establishing actual malice; Cosby's attempts to influence witnesses.

(14) **Dr. Michael Bell**

Address: Palm Beach County, Florida.
Telephone: To be determined and provided.
Subject: The investigation into the death of Ms. Smith.

(15) **Larry Birkhead**

Address: Withheld at this time for privacy reasons.
Telephone: Withheld at this time for privacy reasons.
Subject: The falsity of statements published by Defendants; facts establishing actual malice.

(16) **Peter Bissainthe**

Address: Miami, Florida.
Telephone: To be determined and provided.
Subject: The falsity of statements published by Defendants; facts establishing actual malice; response to the emergency call at the Seminole Hard Rock Hotel & Casino ("Hard Rock Hotel") concerning Ms. Smith.

(17) **Maurice Brighthaupt**

Address: Withheld at this time for privacy reasons.
Telephone: Withheld at this time for privacy reasons.
Subject: The falsity of statements published by Defendants; facts establishing actual malice; the events surrounding the death of Ms. Smith.

(18) **Tasma Brighthaupt**

Address: Withheld at this time for privacy reasons.
Telephone: Withheld at this time for privacy reasons.
Subject: The falsity of statements published by Defendants; facts establishing actual malice; the events surrounding the death of Ms. Smith.

(19) **Boat handyman identified on page 223 of *Blonde Ambition* (identity to be provided by Defendants).**

Address: To be provided by Defendants.
Telephone: To be provided by Defendants.
Subject: The falsity of statements published by Defendants; facts establishing actual malice.

(20) **Don Clark**

Address: Withheld at this time for privacy reasons.
Telephone: Unknown.
Subject: The falsity of statements published by Defendants; facts establishing actual malice; attempts to influence witnesses.

(21) **Nathan Collins**

Address: To be determined and provided.
Telephone: To be determined and provided.
Subject: The relationship between Ms. Smith and Mr. Stern.

(22) **Mark Dekema**

Address: To be determined and provided.
Telephone: To be determined and provided.
Subject: The falsity of statements published by Defendants; facts establishing actual malice.

(23) **Dr. Gordon Dickinson**

Address: Miami, Florida.
Telephone: To be determined and provided.
Subject: The investigation into the death of Ms. Smith.

(24) **Emergency Medical Technicians and other first responders, not otherwise identified herein, who responded to the emergency call regarding Ms. Smith at the Hard Rock Hotel.**

Address: To be determined and provided.
Telephone: To be determined and provided.
Subject: The response to the emergency call at the Hard Rock Hotel concerning Ms. Smith.

(25) **Employees from Entertainment Tonight.**

Address: To be determined and provided.
Telephone: To be determined and provided.
Subject: The falsity of statements published by Defendants; facts establishing actual malice.

(26) **Dr. Khristine Eroshevich**

Address: Beverly Hills, California.
Telephone: Withheld at this time for privacy reasons.
Subject: The falsity of statements published by Defendants; facts establishing actual malice.

(27) **Capt. Matthew Fitzgerald**

Address: Hollywood, Florida.
Telephone: To be determined and provided.
Subject: The falsity of statements published by Defendants; facts establishing actual malice; response to the emergency call at the Hard Rock Hotel concerning Ms. Smith.

(28) **Marcus Fox**

Address: To be determined and provided.
Telephone: To be determined and provided.
Subject: The relationship between Ms. Smith and Mr. Stern.

(29) **Eric Gibson**

Address: Nassau, Bahamas.
Telephone: Withheld at this time for privacy reasons.
Subject: The falsity of statements published by Defendants; facts establishing actual malice; events surrounding the death of Ms. Smith.

(30) **Gerlene Gibson**

Address: Nassau, Bahamas.
Telephone: Withheld at this time for privacy reasons.
Subject: The relationship between Ms. Smith and Mr. Stern.

(31) **Hon. Shane Gibson**

Address: Nassau, Bahamas.
Telephone: Withheld at this time for privacy reasons.
Subject: The relationship between Ms. Smith and Mr. Stern.

(32) **Dr. Margaret Gorenssek**

Address: Weston, Florida.
Telephone: To be determined and provided.
Subject: The investigation into the death of Ms. Smith.

(33) **Hard Rock Hotel workers identified on page 5 of *Blonde Ambition* (identity to be provided by Defendants).**

Address: To be provided by Defendants.
Telephone: To be provided by Defendants.
Subject: The falsity of statements published by Defendants; facts establishing actual malice.

(34) **Jack Harding**

Address: To be determined and provided.
Telephone: To be determined and provided.
Subject: The falsity of statements published by Defendants; facts establishing actual malice.

(35) **Jackie Hatten**

Address: To be determined and provided.
Telephone: To be determined and provided.
Subject: The falsity of statements published by Defendants; facts establishing actual malice.

(36) **Mark Hatten**

Address: To be determined and provided.
Telephone: To be determined and provided.
Subject: The falsity of statements published by Defendants; facts establishing actual malice.

(37) **Omerit Hield**

Address: To be determined and provided.
Telephone: Withheld at this time for privacy reasons.
Subject: The relationship between Ms. Smith and Ms. Stern.

(38) **Troy Hollier**

Address: To be determined and provided.
Telephone: Withheld at this time for privacy reasons.
Subject: The relationship between Ms. Smith and Mr. Stern.

(39) **In Touch Magazine and Its Representatives.**

Address: To be provided by Defendants.
Telephone: To be provided by Defendants.
Subject: Facts establishing actual malice.

(40) **Denise James**

Address: To be determined and provided.
Telephone: Withheld at this time for privacy reasons.
Subject: The relationship between Ms. Smith and Mr. Stern.

(41) **John James**

Address: To be determined and provided.
Telephone: Withheld at this time for privacy reasons.
Subject: The relationship between Ms. Smith and Mr. Stern.

(42) **Dr. Gertrude Juste**

Address: Broward County, Florida.
Telephone: To be determined and provided.
Subject: The investigation into the death of Ms. Smith.

(43) **Dr. Sandeep Kapoor**

Address: Los Angeles, California.
Telephone: Withheld at this time for privacy reasons.
Subject: The falsity of statements published by Defendants; facts establishing actual malice.

(44) **Gloria Knowles**

Address: Nassau, Bahamas.
Telephone: Withheld at this time for privacy reasons.
Subject: The relationship between Ms. Smith and Mr. Stern.

(45) **Greg Leonatti**

Address: Pompano Beach, Florida.
Telephone: To be determined and provided.
Subject: The falsity of statements published by Defendants; facts establishing actual malice; response to the emergency call at the Hard Rock Hotel concerning Ms. Smith.

(46) **Ray Martino**

Address: To be determined and provided.
Telephone: Withheld at this time for privacy reasons.
Subject: The relationship between Daniel Smith and Ms. Smith and Mr. Stern; the falsity of statements published by Defendants; facts establishing actual malice.

(47) **Members of the Broward County Medical Examiners Office, not otherwise identified herein, who were involved with the investigation into the death of Ms. Smith.**

Address: To be determined and provided.
Telephone: To be determined and provided.
Subject: The investigation into the death of Ms. Smith.

(48) **Members of the Hard Rock Hotel staff not otherwise identified herein.**

Address: To be determined and provided.
Telephone: To be determined and provided.
Subject: Response to the emergency call at the Hard Rock Hotel concerning Ms. Smith.

(49) **Members of the Seminole Police Department, not otherwise identified herein, who were involved with the investigation into the death of Ms. Smith.**

Address: Hollywood, Florida.
Telephone: To be determined and provided.
Subject: The investigation into the death of Ms. Smith.

(50) **Dr. Azorides R. Morales**

Address: Miami, Florida.
Telephone: To be determined and provided.
Subject: The investigation into the death of Ms. Smith.

(51) **Dr. Stephen J. Nelson**

Address: Polk County, Florida.
Telephone: To be determined and provided.
Subject: The investigation into the death of Ms. Smith.

(52) **Brigitte Neven**

Address: Nassau, Bahamas.
Telephone: Withheld at this time for privacy reasons.
Subject: The falsity of statements published by Defendants; facts establishing actual malice; events surrounding the death of Ms. Smith.

(53) **Dr. Joshua Perper**

Address: Broward County, Florida.
Telephone: To be determined and provided.
Subject: The investigation into the death of Ms. Smith, the falsity of statements published by Defendants; facts establishing actual malice.

(54) **Persons interviewed by the Broward County Medical Examiners Office, not otherwise identified herein, in connection with the investigation into the death of Ms. Smith.**

Address: To be determined and provided.
Telephone: To be determined and provided.
Subject: To be determined and provided.

(55) **Persons interviewed by the Seminole Police Department, not otherwise identified herein, in connection with the law enforcement investigation into the death of Ms. Smith.**

Address: To be determined and provided.
Telephone: To be determined and provided.
Subject: The events surrounding the death of Ms. Smith.

(56) **Ron Rale**

Address: Withheld at this time for privacy reasons.
Telephone: Withheld at this time for privacy reasons.
Subject: The falsity of statements published by Defendants; facts establishing actual malice.

(57) **Eric Redding**

Address: To be determined and provided.
Telephone: To be determined and provided.
Subject: The falsity of statements published by Defendants; facts establishing actual malice.

(58) **Juan Rivera**

Address: To be determined and provided.
Telephone: To be determined and provided.
Subject: Response to the emergency call at the Hard Rock Hotel concerning Ms. Smith.

(59) **Dr. Harold Schueler**

Address: Broward County, Florida.
Telephone: To be determined and provided.
Subject: The investigation into the death of Ms. Smith.

(60) **Sandy Serrano**

Address: To be determined and provided.
Telephone: Withheld at this time for privacy reasons.
Subject: The relationship between Ms. Smith and Mr. Stern; conversations with Ms. Smith regarding Daniel Smith's death.

(61) **Stancil "Ford" Shelley**

Address: Withheld at this time for privacy reasons.
Telephone: Withheld at this time for privacy reasons.
Subject: The falsity of statements published by Defendants; facts establishing actual malice.

(62) **Patrik Simpson**

Address: To be determined and provided.
Telephone: Withheld at this time for privacy reasons.
Subject: The relationship between Ms. Smith and Mr. Stern.

(63) **Mervin Smith**

Address: To be determined and provided.
Telephone: Withheld at this time for privacy reasons.
Subject: The relationship between Ms. Smith and Mr. Stern.

(64) **Mark Speer**

Address: To be determined and provided.
Telephone: To be determined and provided.
Subject: The falsity of statements published by Defendants; facts establishing actual malice.

(65) **Clay Spires**

Address: To be determined and provided.
Telephone: To be determined and provided.
Subject: The falsity of statements published by Defendants; facts establishing actual malice.

(66) **Bonnie Stern**

Address: Withheld at this time for privacy reasons.
Telephone: Withheld at this time for privacy reasons.
Subject: The relationship between Ms. Smith and Mr. Stern.

(67) **Elizabeth Thompson**

Address: To be determined and provided.
Telephone: To be determined and provided.
Subject: The falsity of statements published by Defendants; facts establishing actual malice; attempts to influence witnesses.

(68) **G. Ben Thompson**

Address: Withheld at this time for privacy reasons.
Telephone: Withheld at this time for privacy reasons.
Subject: The falsity of statements published by Defendants; facts establishing actual malice.

(69) **Charles Tiger**

Address: Hollywood, Florida.
Telephone: To be determined and provided.
Subject: The investigation into the death of Ms. Smith; the falsity of statements published by Defendants; facts establishing actual malice.

(70) **Kim Walther**

Address: To be determined and provided.
Telephone: Withheld at this time for privacy reasons.
Subject: The falsity of statements published by Defendants; facts establishing actual malice; the relationship between Ms. Smith and Mr. Stern.

(71) **Cyril Wecht**

Address: Pittsburgh, Pennsylvania.
Telephone: Withheld at this time for privacy reasons.
Subject: The falsity of statements published by Defendants; facts establishing actual malice; the investigation into the death of Daniel Smith.

(72) **Wilma Vicedomine**

Address: Withheld at this time for privacy reasons.
Telephone: Withheld at this time for privacy reasons.
Subject: The falsity of statements published by Defendants; facts establishing actual malice.

(73) **All sources for *Blonde Ambition*, not otherwise referenced herein (identities to be provided by Defendants).**

Addresses: To be provided by Defendants.
Telephone: To be provided by Defendants.
Subject: The falsity of statements published by Defendants; facts establishing actual malice.

Discovery has just begun in the matter. The above list of individuals who are likely to have discoverable information, and the subjects of the information, is subject to change as discovery progresses and information is collected and verified. Stern reserves the right to supplement or amend this disclosure response as provided for by the Federal Rules of Civil Procedure.

(B) A copy of, or a description by category and location of, all documents, electronically stored information, and tangible things that are in the possession, custody, or

control of the party and that the disclosing party may use to support its claims or defenses unless solely for impeachment.

The following categories of documents in Stern's possession, custody, or control may be used to support his claims:

- (1) All documents referred to in the Complaint.
- (2) Documents relating to the investigation into the death of Ms. Smith.
- (3) Documents relating to the investigation into the death of Daniel Smith.
- (4) Documents relating to the finances of Ms. Smith.
- (5) Documents relating to the finances of Stern.
- (6) Documents relating to the paternity and/or custody of Dannielynn.
- (7) Documents relating to the arrest and conviction of Mark Hatten.
- (8) Documents relating to the Estate of Ms. Smith.
- (9) Stern's telephone records.
- (10) Relevant information maintained on Stern's personal computer.
- (11) Media interviews of Defendant Rita Cosby.
- (12) Media interviews of alleged sources for statements published by Defendants.
- (13) Photographs and video of Anna Nicole Smith and/or Plaintiff.
- (14) Audiotapes of conversations involving Defendant Cosby.

Stern reserves the right to supplement or amend this disclosure response as provided for under the Federal Rules of Civil Procedure.

(C) A computation of any category of damages claimed by the disclosing party, making available for inspection and copying under Rule 34 the documents or other evidentiary material not privileged or protected from disclosure, on which such

computation is based, including materials bearing on the nature and extent of the injuries suffered.

Stern seeks to recover presumed damages and actual damages which were caused by the false and defamatory statements published by Defendants, which are detailed in the Complaint. The measure of damages is the enlightened conscience of a fair and impartial jury based on the evidence presented. Stern submits that an award of compensatory damages in an amount not less than Ten Million Dollars (\$10,000,000.00) is appropriate. In addition, Stern seeks to recover punitive damages in an amount that a fair and impartial jury decides in its enlightened conscience is sufficient to punish and deter Defendants. Stern submits that an award of punitive damages in an amount not less than Fifty Million Dollars (\$50,000,000.00) is appropriate. Stern reserves the right to supplement or amend this disclosure response as provided for under the Federal Rules of Civil Procedure.

Dated: November 13, 2007.

/s/ L. Lin Wood

L. Lin Wood (Georgia Bar No. 774588)

Appearing pro hac vice

Nicole Jennings Wade (Georgia Bar No. 390922)

Appearing pro hac vice

John C. Patton (Georgia Bar No. 567232)

Appearing pro hac vice

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/s/ Lisa DiPoala Haber

William J. Gilberti, Jr. (SDNY Bar Roll No. _____)

Lisa DiPoala Haber (SDNY Bar Roll No. LH0989)

Belina Anderson (SDNY Bar Roll No. BA5133)

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Syracuse, New York 13202

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Attorneys for Plaintiff

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

HOWARD K. STERN,

Plaintiff,

CERTIFICATE OF SERVICE

vs.

RITA COSBY and
HACHETTE BOOK GROUP USA, INC., d/b/a
Grand Central Publishing, and
JOHN or JANE DOE,

Case No. 1:07-CIV-8536-DC

Defendants.

I hereby certify that on November 13, 2007, a true and correct copy of the foregoing pleading was filed electronically using the CM/ECF system automatically serving the following attorneys of record via email:

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*Attorneys for Defendant
Hachette Book Group USA, Inc.*

Dated: November 13, 2007.
Atlanta, Georgia

/s/ L. Lin Wood
L. Lin Wood (Georgia Bar No. 774588)
Appearing pro hac vice

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1201 West Peachtree Street, N.W.
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